

U.S. Department of Labor
Occupational Safety & Health Administration

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Standard Interpretations

05/18/1999 - Substituting portable toilets for water closets may be a de minimis violation.

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• **Standard Number:** 1910.141(a)(2) ; 1910.141(c)(1)(i); 1910.141(d)

May 18, 1999

MEMORANDUM FOR: MICHAEL G. CONNORS
REGIONAL ADMINISTRATOR

FROM: RICHARD FAIRFAX, DIRECTOR
DIRECTORATE OF COMPLIANCE PROGRAMS

SUBJECT: Water Closets: Use of Porta-Potts


This is in response to a March 9 e-mail from William Wiehrdt concerning the use of Porta Potts in lieu of water closets that are flushed with water at the United Parcel Service (UPS) facility at Chicago O'Hare Airport.

The UPS facility has four plumbed water closets designated for men and one plumbed water closet designated for women. During the peak season, the P.M. shift employs additional workers, so more water closets are needed. In lieu of adding additional plumbed water closets, UPS proposes adding Porta-Potts.

The general industry sanitation standard, 29 CFR 1910.141(c)(1)(i), requires the minimum number of water closets to be provided in accordance with table J-1, based on the number of employees. The definition of "water closet," which is found at 29 CFR 1910.141(a)(2), reads in part: "Water closet means a toilet facility maintained within a toilet room... which is flushed with water."

The current American National Standards Institute guidelines for toilet facilities in places of employment (ANSI Z4.1-1995) do not require the use of water closets. Accordingly, OSHA would regard the substitution of portable toilets for water closets as a **de minimis** departure from 1910.141(c)(1)(i), under the following circumstances: (1) the lack of water or temporary nature of the installation makes water carriage systems impracticable; (2) the portable toilets are readily accessible by employees; (3) the portable toilets have adequate lighting, are secure, and have heating as necessary; and (4) they are well-maintained and properly serviced. If the portable toilets fail to meet the criteria set forth above, an other-than-serious citation should be issued.

In addition, however, other relevant provisions of OSHA standards must be met. For example, hand-washing facilities must be provided pursuant to 29 CFR 1910.141(d)(1)-(2).

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